

REMARKS/ARGUMENTS

These remarks are made in response to the Office Action of February 5, 2009 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Examiner is expressly authorized to charge any deficiencies to Deposit Account No. 14-1437.

Claims Rejections – 35 USC § 101

Claims 1-10 were rejected under 35 U.S.C. § 101 as not falling into one of the four statutory categories of invention. More specifically, it was asserted that the instant claims are neither positively tied to a particular machine that accomplishes the claimed method steps nor transform underlying subject matter, and therefore do not qualify as a statutory process.

Applicants submit that a person of ordinary skill in the art would readily appreciate that practicable embodiments of the claimed invention would be conducted with the aid of a computing machine. Such computing machines are commonly understood to have memory. Further, the operations recited in the claims clearly change the state of the underlying data since the cache, register, or other memory on which the data is stored must be transformed to have a different magnetic polarity, electrical charge, or the like depending on the technology that is used. These are real physical changes. Further, memory is a real physical article. As such, Applicants submit that the method claims perform a transformation under the “machine or transformation” test and thus qualify as patent-eligible subject matter.

Claims 33 and 34 were rejected under 35 U.S.C. § 101 because it was asserted that the claims lack the necessary physical articles or objects to constitute a machine or manufacture within the meaning of 35 USC 101.

Although Applicants believe that Claims 33-34 clearly recite physical articles or elements of a computer-implemented system, Claim 33 has been amended to even more clearly recite a data store and a processor, which are clearly physical articles or objects. Claim 34 has been cancelled.

Applicants thus respectfully request that the claim rejections under 35 U.S.C. § 101 be withdrawn.

Claims Rejections – 35 USC § 102

Claims 1-10, 23, and 24 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Published Patent Application 2001/0027474 to Nachman, *et al.* (hereinafter Nachman).

Although Applicants respectfully disagree with the rejections, Applicants have amended the claims to even more clearly define the present invention and to facilitate prosecution of the instant application. The claims amendments are fully supported by the original disclosure and no new matter has been introduced.

Aspects of the Claims

It may be helpful to reiterate certain aspects recited in the claims prior to addressing the cited references. One aspect of the invention, as typified by Claim 1, is a computer-implemented method for facilitating real time communications among Internet users having similarities.

The method can include monitoring a plurality of currently active user sessions, each session being associated with a different user; retrieving session data associated with the currently active user sessions from a data store and evaluating the session data to identify at least one real-time similarity among the currently active user sessions; responsive to the similarity identification, presenting a user interface in the user sessions having the identified similarity to prompt the users of the user sessions having the

identified similarity to respond whether they want to engage in real time communication with other users of the user sessions having the identified similarity; receiving a response from the users of the user sessions having the identified similarity and forming a user group for users who want to engage in real time communication; and establishing a communication pathway among the user sessions of the user group and providing access to an interaction application to facilitate the users of the user group to engage in real time communication. See, e.g., Specification, paragraphs [0021]-[0023] and [0025]; see also Figs. 2 and 3.

The Claims Define Over The Prior Art

Nachman specifically provides a method for sending real-time messages between viewers of a WWW page without using a dedicated client program. In contrast, in the present invention, the users of a user group based on identified similarity communicate with one another as a group within an interaction application in real time.

Independent Claims 1, 23, and 33 have been amended to further recite that a user interface is presented in the user sessions having the identified similarity to prompt the users of the user sessions having the identified similarity to respond whether they want to engage in real time communication with other users of the user sessions having the identified similarity, and upon receiving a response from the users of the user sessions having the identified similarity, forming a user group for users who want to engage in real time communication and establishing a communication pathway among the user sessions of the user group and providing access to an interaction application to facilitate the users of the user group to engage in real time communication. It is believed that these specific limitations are not disclosed by Nachman.

Accordingly, Nachman fails to disclose or suggest each and every element of Claims 1, 23, and 33. Applicants therefore respectfully submit that Claims 1, 23, and 33 defines over the prior art. Furthermore, as each of the remaining claims depends from

Claims 1 or 23 while reciting additional features, Applicants further respectfully submit that the remaining claims likewise define over the prior art.

Applicants thus respectfully request that the claim rejections under 35 U.S.C. § 102 be withdrawn.

CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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